

APR 17 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TOM HALE,

Appellant,

v.

UNITED STATES TRUSTEE,

Appellee,

and

L. D. FITZGERALD; et al.

No. 05-35460

D.C. No. CV-04-00326-BLM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, District Judge, Presiding

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Tom Hale, a licensed attorney, appeals pro se from the district court's order affirming a bankruptcy court's order sanctioning him in the amount of \$1,397.00 for failing to appear at two scheduled hearings. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the district court's decision on appeal from a bankruptcy court. *Dawson v. Washington Mut. Bank, F.A. (In re Dawson)*, 390 F.3d 1139, 1145 (9th Cir. 2004). We review for abuse of discretion a bankruptcy court's decision to impose sanctions. *Hansbrough v. Birdsell (In re Hercules Enters., Inc.)*, 387 F.3d 1024, 1027 (9th Cir. 2004). We affirm.

The bankruptcy court did not abuse its discretion in sanctioning Hale for failing to appear at a hearing set (with Hale's concurrence) for September 16, 2003, and for also failing to appear at a subsequent "show cause" hearing on October 14, 2003. *See Caldwell v. Unified Capital Corp. (In re Rainbow Magazine, Inc.)*, 77 F.3d 278, 283-85 (9th Cir. 1996) (holding that bankruptcy courts have inherent power to sanction and affirming sanctions imposed by bankruptcy court against a nonparty). Hale's conclusory contention that the bankruptcy judge was impermissibly biased against him is unavailing. *See Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (concluding that mere speculative assertions of invidious motive are insufficient to show judicial bias).

Hale's remaining contentions lack merit.

AFFIRMED.